

RULES
OF THE
ALABAMA BOARD OF EXAMINERS FOR
DIETETIC/NUTRITION PRACTICE

CHAPTERS 282-X-1 THROUGH 282-X-6

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CHAPTER 282-X-1

ORGANIZATION

282-X-1-.01 Legal Authority.

(1) The Alabama Dietetics/Nutrition Practice Act of 1989 provides for a board of examiners, prescribes the method of appointment of such board, its duties and qualifications, renewals and revocation, exemptions, reciprocity and penalties.

(2) It is the purpose of this Act to protect the health, safety and welfare of the public by providing for the licensing and regulation of persons engaged in the practice of dietetics and nutrition.

(3) The Alabama Board of Examiners for Dietetics/Nutrition Practice is empowered, authorized and directed to adopt, amend, promulgate, and enforce all rules, regulations, and standards governing dietitians as may be necessary to further the accomplishment of the purpose of the governing law. The rules, regulations and minimum standards for licensing

of dietitians may be amended by the Board as deemed necessary.

(4) The principal office of the Alabama Board of Examiners for Dietetics/Nutrition Practice is located at 400 So. Union Street, Suite 445, Montgomery, Alabama 36104.

(5) This act shall be known as the "Dietetics/Nutrition Practice Act of 1989."

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

CHAPTER 282-X-2

DEFINITIONS

282-X-2-.01 Definitions. For the purpose of these regulations all terms shall have the meanings as set forth in the "Dietetics/Nutrition Practice Act of 1989."

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

282-X-2-.02 Definition of Practice. Dietetics/nutrition is the integration and application of principles derived from the sciences of nutrition, biochemistry, physiology, food, management and behavioral and social sciences to achieve and maintain peoples' health. The primary function of dietetic practice is the provision of nutrition care services, which shall include:

(a) Assessing the nutritional needs of individuals and groups, and determining resources and constraints in the practice setting.

(b) Establishing priorities, goals and objectives that meet nutritional needs and are consistent.

(c) Providing nutrition counseling in health and disease.

(d) Developing, implementing and managing nutrition care systems.

(e) Evaluating, changing and maintaining appropriate standards of quality in food and nutrition services.

Statutory Authority: Code of Alabama, 1975, §34-34-2

Author:

History: Filed March 12, 1991

CHAPTER 282-X-3

APPLICATION FOR LICENSURE

282-X-3-.01 Application.

(1) An applicant for a license shall file a written application on forms provided by the Board, showing to the satisfaction of the Board that he or she meets the requirements of the Board's regulations.

(2) Every application shall be typed or written in ink, signed under penalty of perjury.

(3) Each application shall be accompanied by a check or money order in the amount required payable to the Alabama Board of Examiners for Dietetics/Nutrition Practice.

(4) No application will be considered by the Board until requested supporting documents and fees have been received by the Board.

(5) Approved applications and all documents filed in support thereof shall be retained by the Board.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

282-X-3-.02 Availability of Information.

(1) All information regarding rules, forms, time and place of meetings, minutes of meetings, record of hearings and examination results are available to the public between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday, except holidays.

(2) Information may be obtained by writing to the Board of Examiners for Dietetic/Nutrition Practice, 400 So. Union Street, Suite 445, Montgomery, AL 36104. All official correspondence shall be in writing and directed to the Board's address.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

282-X-3-.03 Renewal Applications.

(1) Any license issued under this act expires on September 30th of every odd year after it is issued unless renewed in the manner prescribed by the Board.

(2) A renewal application shall be on a form provided by the Board accompanied by the renewal fee and filed with the Board at its office in Montgomery, Alabama.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

Amended: Filed January 24, 1995

282-X-3-.04 Abandonment of Application. An applicant shall be deemed to have abandoned the application if the requirements for licensure are not completed within one year of the date on which application was filed. An application submitted subsequent to an abandoned application shall be treated as a new application.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

CHAPTER 282-X-4

QUALIFICATIONS

282-X-4-.01 Qualifications. To qualify as a licensed dietitian or nutritionist, an applicant must:

- (a) Be 19 years of age or older.
- (b) Submit evidence of good moral character and respectability by providing two personal references upon submission of application.
- (c) File a written application on a form provided by the Board.
- (d) Pass an examination propounded under the auspices of the Commission of Dietetic Registration.
- (e) Pay fees prescribed by the Board.
- (f) Meet the requirements of 282-X-4-.02 through 282-X-4-.04.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

282-X-4-.02 Education. An Applicant for licensure as a dietitian or licensed nutritionist shall have satisfactorily completed appropriate academic requirements as stated in the "Dietetic/Nutrition Practice Act of 1989."

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

282-X-4-.03 Professional Experience. An applicant for licensure shall submit to the Board evidence of having successfully completed an ADA approved planned continuous pre-professional experience component in dietetics/ nutrition practices as stated in the "Dietetics/Nutrition Practice Act of 1989."

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

282-X-4-.04 Examination for Licensure. An applicant for licensure shall pass an examination administered by the Commission on Dietetic Registration or other examination as approved by the Board.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

282-X-4-.05 Waiver of Examination. For one year beginning on May 17, 1989, the Board shall waive the examination requirement and grant a license to any person who meets the requirements for such exemption as stated in the "Dietetics/Nutrition Practice Act of 1989."

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

282-X-4-.06 Reciprocity.

(1) Reciprocity shall be provided for licensed dietitians/nutritionists from other states provided that the standards for licensing in that state are not less than those provided for in these regulations as determined by the Board.

(2) Reciprocity applicants must be current with continuing education hours with CDR or as specified and approved by the Board.

(3) If reciprocity is denied, the applicant must complete the regular licensure process as prescribed by the Dietetics/Nutrition Practice Act of 1989 and these regulations.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

Amended: Filed January 24, 1995

282-X-4-.07 Licensing of Dietitians Trained in a Foreign Country.

(1) Any person who has been trained as a dietitian/nutritionist in a foreign country and desires to be licensed under the Dietetics Practice Act of 1989 may make application on forms provided by the Board if the individual:

(a) Holds a degree from an education program which has been validated as equivalent to the baccalaureate or master's degree conferred by universities or colleges regionally accredited by the Council on Post-Secondary Accreditation and the U.S. Department of Education and any fees associated with such validation are the sole responsibility of the applicant;

(b) Submits documentary evidence to the Board that he/she has completed a course of professional experience as defined in the Rules and Regulations;

(c) Demonstrates satisfactory proof of proficiency in the English language. At the time of making such application, the applicant shall pay the fee prescribed by the Board, no portion of which shall be returned. (2) Any person who desires to be licensed under this section shall also successfully complete the prescribed examination for licensure.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

CHAPTER 282-X-5

ISSUANCE AND RENEWAL OF LICENSURE

282-X-5-.01 Types of License. The Board recognizes two (2) distinct types of licensure. Applicants may be issued a temporary or regular

license based on compliance with the requirements stated in the Dietetics/Nutrition Practice Act of 1989 and these regulations. The Board shall issue a license to any person who meets the requirements upon submission of an application and payment of the license fee prescribed by the Board.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

282-X-5-.02 Temporary License.

(1) A temporary license to practice as a RD eligible dietitian/nutritionist may be issued by the Board upon the filing of an application and submission of evidence of successful completion of educational and professional experience requirements as specified in the "Dietetics/Nutrition Practice Act of 1989."

(2) A temporary license shall expire one year from the date of issuance and may be renewed for one additional year. Approval for renewal of a temporary license shall be based upon evidence that the applicant shall sit for the examination for licensure.

(3) The fee for a temporary license shall not be more than 50 percent of current renewal fees. Application fees must be paid same as licensed dietitian/nutritionists.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

282-X-5-.03 Regular License

(1) The Board may issue a regular license to any dietitian/nutritionist who practices in Alabama, whether resident or non-resident, unless otherwise exempted.

(2) Applicants for regular licensure must meet all requirements set forth by the Dietetics/Nutrition Practice Act of 1989 and these regulations.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

282-X-5-.04 Renewal of Licensure.

(1) Any license issued under this act expires on September 30th of every odd year after it is issued unless renewed in the manner prescribed by the Board.

(2) The Board may provide for the late renewal of a license upon payment of a late fee. NO LATE RENEWAL OF A LICENSE MAY BE GRANTED MORE THAN 30 DAYS AFTER ITS EXPIRATION.

(3) If the renewal fees are not received by the Board within thirty days after the end of the last month (September 30th) of the renewal

period, an application for reinstatement must be filed with the Board with a late renewal fee in addition to the regular renewal fee and reinstatement application fee. NO LATE RENEWAL OF A LICENSE MAY BE GRANTED MORE THAN ONE YEAR AFTER ITS EXPIRATION.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

Amended: Filed January 24, 1995

282-X-5-.05 Continuing Education Requirements. An applicant for renewal or reinstatement of a license must have satisfactorily maintained continuing education requirements through the Commission on Dietetic Registration or as specified and approved by the Board.

(a) An continuing education activity is for improving professional performance and shall be qualified for approval if the Board determines that the activity being presented is approved by CDR, or Professional Registration and Education Chairman of ALDA.

(b) The biennial continuing education compliance period shall extend from October 1st of the renewal year for the two year period. During this period of time, thirty (30) hours of approved continuing education shall be obtained by the licensee in order to renew.

(c) Hours of continuing education may be obtained by attending and participating in a continuing education activity either previously approved by **ALDA/CDR** or which is post approved by **ALDA/CDR**.

(d) Hours of continuing education SHALL NOT BE CARRIED OVER into the next continuing education period.

(e) Compliance with the requirement of continuing education is a prerequisite for license renewal in each subsequent license renewal period.

(f) Subsequent approval of continuing education will be submitted to CDR.

(g) Registered dietitians will submit a copy of their registration card from CDR for proof of continuing education credit. These cards are issued yearly. It will be important to retain these cards and submit the two years which cover the license period.

(h) Those licensed members who are not registered dietitians must submit a certificate of attendance and approval information at the time of renewal.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

Amended: Filed January 24, 1995

282-X-5-.06 Inactive License Status

(1) The expiration of a Regular license is September 30th of every odd year. Renewal of licensure is due on or before that date.

(2) A licensee may have a license placed in inactive status for a two-year licensure period by submitting a written request to the board before the date of expiration of the license. The written request must be signed by the holder of the license or the holder's legal guardian.

(3) While the license in an inactive status, the licensee shall maintain their (RD) registered dietitian status with "The Commission on Dietetic Registration" and will be required to meet the continuing education requirements of 15 hours (during the tow-year inactive period), but is not required to pay the renewal fee.

(4) If a licensee fails to meet the continuing education requirements as required by the Board, the license may not be withdrawn from inactive status until any cumulative deficiency is corrected or waived by the board for good cause shown.

(5) A license may be withdrawn from inactive status by written request of the holder, completion of a renewal application, compliance with continuing education requirements and payment of the current licensing fee.

(6) A licensee must be withdrawn from inactive status prior to re-employment or engaging in the dietetic/nutrition practice.

(7) If a inactive status licensee fails to renew their license prior to re-employment or engaging in the dietetic/nutrition practice, they will be held in violation of the Dietetic/Nutrition Practice of 1989.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed May 29, 1996

CHAPTER 282-X-6

LICENSURE REQUIREMENTS

282-x-6-.01 Licensure Requirements.

(1) Only a person licensed or otherwise authorized to practice under this act shall practice dietetics/nutrition or provide nutrition care services or use the title "dietitian/nutritionist" or the words "dietitian" or "nutritionists" alone or in combination, or use the letters L.D., L.N., or any facsimile thereof, except as allowed by Chapter 34, Title 34, Code of Alabama 1975.

(2) Any person licensed to practice Dietetics/Nutrition in the State of Alabama shall display such license at his/her workplace.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

CHAPTER 282-X-7

EXEMPTION AND SPECIAL CONDITIONS

282-X-7-.01 Exemptions and Special Conditions

(1) The provisions of these regulations shall not apply to hospitals doing business in Alabama with such exemption ending on May 17, 1994.

(2) Areas which these regulations shall not be construed to affect or prevent are listed in Section 10 of the "Dietetics/Nutrition Practice Act of 1989."

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

CHAPTER 282-X-8

FEES FOR LICENSURE

282-X-8-.01 Licensure Fees.

(1) In accordance with the provisions of the Dietetics/ Nutrition Practice Act of 1989, the Board shall set and collect fees for application, license, license renewal and penalty and late fees. Fees, where applicable, are payable to the Board by certified check, cashier's check or money order. Fees paid to the Board are non-refundable.

(2) Fees prescribed by the board to be as follows:

(a) Application Fee	75.00
(b) Temporary License Fee	62.50
(c) Licensure Fee	125.00
(d) Reciprocity Fee	125.00
(e) Renewal Fee	125.00
(f) Late Fee	50.00
(g) Reinstatement Fee	250.00
(h) Additional/Duplicate Certificates	25.00
(i) ID Card	5.00

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

Amended: Filed January 24, 1995

282-X-8-.02 Prorated Licensure Fees

(1) The expiration of a Regular license is September 30th of every odd year. Renewal of licensure is due on or before that date.

(2) The Board waives fifty (50) per cent of the initial licensure fee if the license is only valid for a period covering the six (6) months prior to the date of expiration of the license.

(3) Regular license applications approved between April 1 and September 29 of the renewal year will be required to pay fifty percent of the initial licensure fees. Any license issued between April 1 and September 29th of the renewal year will be required to renew that license on or before September 30th of the same calendar year.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed May 29, 1996

CHAPTER 282-X-9

BOARD OF EXAMINERS FOR DIETETICS/NUTRITION PRACTICE

282-X-9-.01 Board Establishment.

(1) There is established the Alabama State Board of Examiners for Dietetics/Nutrition Practice.

(2) The Board shall consist of three members. Two members of the Board shall be dietitians/nutritionists licensed under this act. One member of the Board shall be a lay person. The Governor shall appoint Board members. At least two names shall be submitted for each place on the board. No elected officer of the Alabama Dietetic Association, Inc., shall be eligible to serve on the Board.

(3) The dietitian/nutritionist members of the board shall become licensed during the first year of operation of the board. Thereafter, dietitian/nutritionist board members shall be licensed under the Dietitian/ Nutrition Act of 1989.

(4) The board shall meet no less than twice a year with its annual meeting being held during the month of August each year at which time a chairman shall be elected. Subsequent meetings of the Board shall be at the call of the chairperson with at least 10 days written notice to the members of the Board. Each term of office shall expire on the date specified in the appointment and the members shall no longer be eligible to participate in board proceedings unless lawfully appointed.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

Amended: Filed January 24, 1995

282-X-9-.02 Duties of the Board

(1) Promulgate rules and regulations necessary to implement the Dietitian/Nutrition Act of 1989.

(2) Adopt a code of ethics.

(3) Determine qualifications and fitness of applicants, issue licenses, reinstate licenses.

(4) Revoke, suspend or deny a license.

(5) Receive and process complaints.

(6) Provide for examination or waiver of examination for applicants as specified by Commission on Dietetic Registration.

(7) Impose penalties.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

CHAPTER 282-X-10

PROFESSIONAL CONDUCT

282-X-10-.01 Rules for Professional Conduct. Licensees, under the Dietetic/ Nutrition Practice Act of 1989, will perform their professional duties using the following code of ethics which reflect the ethical principles of the dietetic profession and outline obligations of the licensee to self, client, society, and the profession.

(a) The licensee provides professional service with objectivity and with respect for the unique needs and values of individuals avoiding discrimination, and provides sufficient information to enable clients to make informed decision.

(b) The licensee accurately presents professional qualifications and credentials, and does not permit the use of these credentials by an unqualified person.

(c) The licensee remains free of conflict of interest and promotes or endorses products in a manner that is neither false nor misleading.

(d) The licensee assumes responsibility and accountability for personal competence in practice through continuing education and recognition of the limits of his/her ability and adherence to accepted standards of practice.

(e) The licensee presents substantiated information and interprets controversial information without personal bias recognizing legitimate differences of opinions.

(f) The licensee maintains the confidentiality of information.

(g) The licensee conducts him/herself with honesty, integrity, and fairness in all aspects of professional life and advertises services in a factual and straightforward manner.

(h) The licensee shall not be addicted to or dependent upon alcohol or other habit forming drugs or be a habitual user of narcotics, barbiturates, amphetamines, hallucinogenics, or other drugs having similar effects upon the competency of the licensee.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

CHAPTER 282-X-11

DENIAL REVOCATION OR SUSPENSION

282-X-11-.01 Denial, Revocation or Suspension of License. The Board may deny a license, refuse to renew a license, suspend a license, or it may reprimand, censure or otherwise discipline a person practicing dietetics/nutrition or offering to practice dietetics/nutrition in accordance with the provisions of the Dietetics/Nutrition Practice Act upon decision and after due hearing in any one of the following cases:

(a) Upon proof that such person has willfully or repeatedly violated any of the provisions of the Dietetics/ Nutrition Practice Act or these regulations; or willfully or repeatedly acted in a manner

inconsistent with the health, welfare and safety of the public.

(b) Upon proof that such person's conduct is immoral, unprofessional or dishonorable.

(c) Upon proof that such person is guilty of fraud or deceit in the practice of dietetics/nutrition or in his/her admission to such practice, or

(d) Upon proof that such person has been convicted in a court of competent jurisdiction, either within or without the state, of a felony or of any misdemeanor involving moral turpitude.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

282-X-11-.02 Hearings

(1) The board shall have the jurisdiction to hear all charges brought under the provisions of this section against any person having been issued a license as a dietitian/nutritionist or having been issued a temporary license for the practice of dietetics/nutrition; and upon such hearings shall determine the charges upon their merits. If the board determines that disciplinary measures should be taken, the board may revoke his/her license, suspend him/her from practice, or reprimand, censure or otherwise discipline such person.

(2) All proceedings under this section shall be heard by the board with at least two-thirds of its members present, and decisions to discipline any licensee shall require a vote of two-thirds of the membership of the entire board; provided that the board may designate two or more of its members to comprise a hearing committee for the purpose of determining whether charges brought justify a hearing by the board, and with authority to dismiss frivolous or unfounded charges.

(3) At any hearing under the Dietitian/Nutritionist Practice Act, the person charged shall have the right to appear either personally or by counsel and to produce witnesses and evidence in his own behalf and to cross-examine witnesses. The board or hearing committee shall have the authority to issue subpoenas, compel the attendance of witnesses, administer oaths and take testimony concerning all matters within the jurisdiction of the board. The circuit court of the county wherein said hearing is to take place shall have authority, on application of the board, to enforce obedience to said subpoenas and orders of the board concerning such testimony.

(4) An application for reinstatement may be made to the board one year from the date of revocation of a license. The board may at its discretion accept or reject an application to consider such reinstatement.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

228-X-11-.03 Criteria for Reinstatement. Upon application for reinstatement or issuance of a license that has been denied or revoked because of conviction of a crime, the Board, in evaluating the rehabilitation of such person and his eligibility for licensure, will

consider the following:

(a) The nature and severity of the act(s) which resulted in the suspension or revocation of his/her license.

(b) The extent of time elapsed since the commission of the act(s) which resulted in the suspension or revocation.

(c) Whether he/she has committed any act(s) which if done by a licensee should be grounds for date of suspension or revocation.

(d) Whether he/she has done any act(s) involving dishonesty, fraud or deceit with the intent to substantially benefit himself/herself or another, or substantially injure another since the date of the suspension or revocation.

(e) Whether he/she has complied with any or all conditions of probation or restitution, of any other civil or criminal sanction imposed against him/her as a result of the act(s) including such administrative penalties and conditions of probation as have been imposed on him/her by the Board; and

(f) Such evidence of rehabilitations the person may submit.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

CHAPTER 282-X-12

NOTIFICATION OF ACTION

282-X-12-.01 Notification of Action. Prior to the denial, revocation or suspension of a license, written notice of the contemplated action of the Board shall be given. Such notice shall specify the reason(s) for the proposed action and shall notify the applicant of the right to a hearing on the matter.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991

CHAPTER 282-X-13

HEARING282-X-13-.01 Hearings. If requested in writing within ten days of receipt of notice of revocation, suspension or denial of licensure, a hearing shall be provided in which the applicant may show cause why the license should not be denied, suspended or revoked.

Statutory Authority: Code of Alabama, 1975, §34-34-1

Author:

History: Filed March 12, 1991